



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

February 23, 2021

The Honorable Paul G. Pinsky
Chair, Education, Health, and Environmental Affairs Committee
2 West Miller Office Building
Annapolis, MD 21401-1991

RE: SB 449 – Public Information Act – Revisions (Equitable Access to Records Act) – Letter of Concern

Dear Chair Pinsky and Committee Members:

The Maryland Board of Nursing (“the Board”) respectfully submits this letter of concern for SB 449 – Public Information Act – Revisions (Equitable Access to Records Act). This bill requires an official custodian to adopt a policy of proactive disclosure of public records, and requires a custodian to publish an annual report on the website of the governmental unit. Additionally, this bill works to expand the authority of the Public Information Act Compliance Board to resolve disputes between an applicant and an official custodian.

While the Board commends the efforts of increasing transparency of public agencies and due process for the public, the Board remains concerned for a number of reasons. As the bill is written, the term ‘proactive disclosure’ of public records is not formally defined. This creates a sense of ambiguity because the Compliance Board, Public Access Ombudsman, and each Health Occupations Board may interpret this statement differently. There is also no mention of how ‘proactive disclosure’ will be measured or determined.

This bill would decrease revenue for the Board for two reasons. The first being the fee change for requesting a public record to be no more than \$200. This fee change does not appropriately reflect the time and effort an official custodian makes in processing complex inquiries from the public. The second reason for decrease in Board revenue would be due to the expansion of the Compliance Board’s ability to change the amount or waive an applicant’s fee.

The Board would like to request data reports to showcase dispute resolutions for official custodians employed by varying Health Occupations Boards, including disputes seen by the Public Information Act Compliance Board and Public Access Ombudsman.

For the reasons discussed above, the Board of Nursing respectfully submits this letter of concern for SB 449.

I hope this information is useful. For more information, please contact Iman Farid, Health Policy Analyst, at (410) 585 – 1536 (iman.farid@maryland.gov) or Rhonda Scott, Deputy Director, at (410) 585 – 1953 (rhonda.scott2@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "G. Hicks", written in a cursive style.

Gary N. Hicks
Board President

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.